

**REGULAR MEETING OF THE  
BRIGHAM CITY COUNCIL  
NOVEMBER 20, 2008**

PRESENT:	Lou Ann Christensen	Mayor
	Bruce Christensen	Councilmember
	Scott Ericson	Councilmember
	Reese Jensen	Councilmember
	Ruth Jensen	Councilmember
	Bob Marabella	Councilmember
ALSO PRESENT:	Rick Bosworth	Human Resource Coordinator
	Ben Boyce	Leisure Services Director
	Mark Bradley	City Planner
	Jim Buchanan	Emergency Services Director
	Mary Kate Christensen	City Recorder
	Blake Fønnesbeck	Public Works Director
	Jared Johnson	Community Development Manager
	Paul Larsen	Economic Development Director
	Bruce Leonard	City Administrator
	Paul Tittensor	Chief of Police
	Alan Wright	Public Power Director

Mayor Christensen called the meeting to order. The Reverence Period was given by Councilmember Ericson and the Pledge of Allegiance was recited.

Minutes - Councilmember Ericson noted that in the minutes of the October 21 work session minutes the Neighborhood Nonprofit acronym was NPN instead of NNP. A motion to approve the minutes of September 18, 2008 Work Session and Executive Session; October 2 and 16 Council Meetings; October 21 Work Session as amended was made by Councilmember Reese Jensen, seconded and carried.

**PRESENTATIONS**

The Mayor announced the recipient of the Jim Davis Extraordinary Service Award for 2008 is Fred Baugh. He was nominated by Bruce Leonard. He wrote that Mr. Baugh is one of Brigham City's most dedicated citizens. His dedication to the City surpasses 43 years of service, but in reality he has given a life time of service to the community. He started out being involved in many clubs and organizations that support the community, but is best recognized for his support of the Brigham City Airport. He served as Chairman of the Airport Advisory Board for the majority of time. His knowledge, expertise and vision of the airport qualified him to serve on other boards and commissions to enhance growth and development of the City. He was a charter member of the Economic Development Board, serving since its inception in 2002. Flying and the airport have always been his passions. His service to the airport reached beyond most expectations and inspired others to share his vision of developing a regional airport. He was always willing to fly the extra mile at his own expense to gather information about airports and the aviation industry. Along with several other organizations, he faithfully supported the Utah Airport Operators Association and actively participates in their semi-annual conferences. He volunteers his personal time and assists the City with runway inspections, garbage collection, wildlife control, ambassadorship, just to name a few. Many times Fred will be the first person to greet visitors at the airport and he is always willing to assist with information and ensure quality service is provided. He is a great listener, an assertive advisor, a superb team leader and an exceptional go between for the City and the airport business. He exemplifies integrity, pride, courage and dependability, but rarely appears in the limelight for recognition. His lifetime of service can be mirrored in the recently completed airport enhancement project that transformed a small dirt landing strip into a regional airport capable of serving the majority of the national air traffic fleet. The Mayor presented Mr. Baugh with a plaque.

Mr. Baugh expressed his appreciation and his love of the airport and this community.

## **PUBLIC COMMENT**

Carol Griffin - Ms. Griffin expressed appreciation for the Senior Center. She is only one of hundreds that has received benefits from the Center through the various programs they have. She knows that they are constantly concerned about their finances. She encouraged the City to put them a little higher on their agenda so seniors will be able to continue to take advantage of the many programs they have. Brigham City's Senior Center is the best in the state.

Dan Coburn and Ron Papworth - Mr. Coburn and Mr. Papworth are on the Recreation Commission. Mr. Coburn said about two years ago they were commissioned by the Council to implement a user fee on the use of the parks. This was approved and there was a line item added to the budget for that money. They were given oversight of the money but they have to get approval from the Council to use it. The Commission has recommended that the money be used for a top dresser and storage facility. They asked the Council to pass the request for these two items.

Christian Waltmire - Pastor Waltmire is the pastor of the Bible Church in Brigham City. He expressed his support for the Communities That Care system in the community. He has been involved for 4-5 years on the Public Relations Team. He feels that it has been a good thing for the community to have the various businesses, organizations and churches working together to try and tackle the different risk factors the youth face as well as helping to implement positive protective factors for the youth. He added that personally, it has been a positive thing for him to be involved because he has been able to develop relationships with various people in the community and he has been able to attend various training to get ideas for his own work as a youth pastor.

There were no further comments from the public.

Mayor Christensen presented the remainder of the agenda as follows:

### **CONSENT**

- Appointment to the Public Utilities Advisory Board
- Appointment to the Museum Gallery Board
- Appointment to the Neighborhood Pride Council
- Appointment to the Library Board
- Appointment to the Advisory Council on Aging
- Request for Approval of the 2009 Holiday Schedule
- Request to Write-off Accounts Due to Resident Taking Out Bankruptcy or Being Sent to Collections
- Promotion in Public Works

### **SCHEDULED DELEGATION**

- Request for Waiver of Impact Fees for Neighborhood Non-Profit for the Discovery Grove Project at 360 and 472 West 900 North
- Request Council Consider De-annexation of Property Above Skyline Drive

### **NEW BUSINESS**

- Request to Vacate Part of the Intermountain Storm Sewer Easement Deed Within the Proposed Maple Springs Subdivision Located at Approximately 1000 South Medical Drive
- Update on Brigham City Fires
- Request to Transfer Funds from the Sale of Property to Make Final Payment on the Discovery Grove Project
- Request to Use Field Use Funds to Purchase Top Dresser
- Request to Use Field Use Funds to Purchase Storage Shed
- Amendment to Pole Attachment Agreement with Qwest

### **UNFINISHED BUSINESS**

- Report on Flying J Truck Stop at Georgia Drive and Hospital Drive and Recommendation for Parking Along Georgia Drive
- Recommendation from the DCSA Committee to Change the Eligible Time Period for a Demonstrated Cost Savings Award

### **PLANNING COMMISSION BUSINESS**

Request to Amend KEB Subdivision, Lot 1, to Divide Lot into Two Lots Located at 75 South 1000 West

Request to Amend Title 25.01 "Subdivision, General Provisions" and Section 29.01-03, "Final Plat Required Before Lot May Be Sold"

Request to Amend Title 29.01 "General Provisions" and Section 29.01.050, "Conflict"

**MAKING LIFE BETTER - DEPARTMENT REPORTS**

**OTHER BUSINESS**

Consider Cancellation of December 28, 2008 Council Meeting (*moved from Consent*)

**CLAIMS**

Payment Register

Councilmember Ericson recommended the request to cancel the December 18 Council meeting be moved to Other Business. Councilmember Ericson made a motion to approve the agenda as amended. The motion was seconded and carried unanimously.

**CONSENT**

**Appointment to the Public Utilities Advisory Board**

It was recommended Ron Jensen be appointed to the Public Utilities Advisory Board.

**Appointment to the Museum Gallery Board**

It was also recommended Jon Bunderson be appointed to the Museum Gallery Board.

**Appointment to the Neighborhood Pride Council**

Dick Garvin was recommended for appointment to the Neighborhood Pride Council.

**Appointment to the Library Board**

It was recommended the Council approve the appointment of Mary Clark to the Library Board.

**Appointment to the Advisory Council on Aging**

D'On Jensen was recommended for appointment to the Advisory Council on Aging.

**Request for Approval of the 2009 Holiday Schedule**

A list of 2009 City holidays was presented for approval.

**Request to Write-off Accounts Due to Resident Taking Out Bankruptcy or Being Sent to Collections**

A list of accounts totaling \$4,271.84 was presented to be removed from the City's system due to the customer taking out bankruptcy or being sent to collections.

**Promotion in Public Works**

It was recommended Darren Sorensen be promoted to an Automotive Mechanic, Grade 48, effective November 24, 2008.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Christensen, seconded and carried.

## **SCHEDULED DELEGATION**

### **Request for Waiver of Impact Fees for Neighborhood Non-Profit for the Discovery Grove Project at 360 and 472 West 900 North**

Kim Datwyler from the Neighborhood Non-Profit organization came forward and explained that this project is specifically for people with developmental disabilities. The parameters that HUD imposes on this program make it difficult to fund. They contribute only an allocated amount based on the number of units, and there is always a gap. The gap has to be made up with either grant money or a 40-year deferred loan. In order to lower costs they have cut down the size of the units and taken out the dishwashers and saved \$395,000. They went back to HUD and requested amended funds. They will receive over \$500,000 in amended funds. They also bought \$550,000 in a 40-year deferred loan from the Oleen Walker Fund. The gap happened when they requested \$65,000 from the Eccles Foundation and they only received \$20,000. There are no other places for her to go for money. They had to put \$20,000 up front just to submit the application. If everything goes well and they stay on budget, the development fee for this project will be \$47,000. If she does not come up with the gap money soon, HUD will take the money back and the project will stop.

Mr. Jared Johnson came to the table and stated that the Impact Fee Adjustment Committee met and a motion was made to forward to the City Council for approval. He explained that if impact fees are waived these funds have to be found somewhere else in the budget to fund the impact fee account. The Committee discussed the following possibilities: 1) transfer it out of the fund balance; 2) sell the property for less; 3) earmark the Northwest RDA haircut money. Mr. Paul Larsen added that the City will not get any RDA increment money until March 2010. The commitment to the Oleen Walker Housing Committee was to use 10% of these funds to support affordable housing.

MOTION: Councilmember Ericson made a motion to approve the waiver and instructed staff to determine where the money will come from. The motion was seconded by Councilmember Christensen. Councilmember Ruth Jensen asked how this will affect other non-profit organizations if they start a project and can't finish it, where 10% of the RDA haircut money is already obligated. Mr. Larsen explained that each request is done on a case-by-case basis. He did not feel that the Council is setting a precedent. He added that it is estimated the 10% allotted for affordable housing will be \$350,000-\$400,000 over the length of the RDA, so this request will not exhaust the 10% required to be spent on affordable housing. The vote was as follows:

Councilmember Christensen - aye  
Councilmember Ericson - aye  
Councilmember Reese Jensen - aye  
Councilmember Ruth Jensen - aye  
Councilmember Marabella - aye

### **Request Council Consider De-annexation of Property Above Skyline Drive**

Shirlene Peck was not in attendance. This item was not discussed.

## **NEW BUSINESS**

### **Request to Vacate Part of the Intermountain Storm Sewer Easement Deed Within the Proposed Maple Springs Subdivision Located at Approximately 1000 South Medical Drive**

Mr. Bradley explained that they are requesting a 25' easement be vacated and maintain a 16½' easement that was on the original Greener Pasture plat. The City Council vacated the portion on the Greener Pasture PUD, which is directly to the west because it was in excess width of an easement previously owned by the City. Staff has reviewed this and feels the City can maintain the line within the 16½' so they recommended approval.

MOTION: Councilmember Marabella made a motion to vacate part of the Intermountain storm sewer easement deed within the proposed Maple Springs Subdivision located at approximately 1000 South Medical Drive, seconded by Councilmember Christensen. The following vote was taken:

Councilmember Christensen - aye

Councilmember Ericson - aye  
Councilmember Reese Jensen - aye  
Councilmember Ruth Jensen - aye  
Councilmember Marabella - aye

**Update on Brigham City Fires**

Chief Tittensor and Jim Buchanan came forward. Chief Tittensor stated that they are working very hard on solving this. They have split some shifts and are working overtime. During the evening hours and late night hours there will be a lot of police officers on shift. They have 30-40 suspects. They are working through these and either eliminating them or looking at them further. They are working with the Salt Lake Valley Unified Fire Department and the Ogden Fire Department; however, none of the fires in their areas mimic those in Brigham City. Luckily Brigham City has a pretty good intelligence basis through the school resource officers. Everyone is a suspect. The Police Department has contact with the firemen every day. He added that this is a very active case. He felt it is just a matter of time until something substantial happens.

Mr. Buchanan stated that the Fire Department, in partnership with the Police Department and the Brigham City Historical Society, have identified potential targets. They have done fire pre-planning at all these potential targets and have developed a response plan. They are taking this very seriously. They do not want to get caught with all the City's assets in one place so they have distributed them around. The Task Force is meeting on a weekly basis. They are very dedicated to finding this individual.

**Request to Transfer Funds from the Sale of Property to Make Final Payment on the Discovery Grove Project**

Blake Fannesbeck and Tyler Pugsley came to the table. Mr. Fannesbeck said the road for the Discovery Grove Project was completed and the final payment of \$126,338.21 was made from the street construction account in the General Fund. Neighborhood Nonprofit purchased the lot for \$240,000. This was put in the General Fund and the budget was closed out before a request could be made to appropriate it to the street construction account. He requested that \$126,240 be transferred to cover the cost of street projects for the remaining budget year.

MOTION: Councilmember Reese Jensen made a motion to approve the request to transfer funds from the sale of property to make the final payment on the Discovery Grove Project in the amount of \$126,240. The motion was seconded by Councilmember Marabella. Voting was as follows:

Councilmember Christensen - aye  
Councilmember Ericson - aye  
Councilmember Reese Jensen - aye  
Councilmember Ruth Jensen - aye  
Councilmember Marabella - aye

**Request to Use Field Use Funds to Purchase Top Dresser**

Mr. Fannesbeck explained that the Recreation Commission recommended that the field use funds be used to purchase a top dresser. The total cost for a new top dresser is \$12,000. They requested \$8,000 from the Field Use Fund and \$4,000 from the Sale of Assets Fund.

MOTION: Councilmember Christensen made a motion to approve the purchase of a top dress, using \$8,000 from the Field Use Fund and \$4,000 from the Sales of Assets Fund. The motion was seconded by Councilmember Marabella with the following vote:

Councilmember Christensen - aye  
Councilmember Ericson - aye  
Councilmember Reese Jensen - aye  
Councilmember Ruth Jensen - aye  
Councilmember Marabella - aye

**Request to Use Field Use Funds to Purchase Storage Shed**

Kristy Law came forward and stated that they would like to use the same funds to purchase a storage shed. The Baseball Association is having problems with their screens being damaged because they are not being stored properly. If approved, they will add onto the current shed at Pioneer Park. They estimate it will cost \$3,000.

MOTION: Councilmember Marabella moved to approve the request to use field use funds to purchase a storage shed, seconded by Councilmember Ruth Jensen.

Councilmember Christensen - aye  
Councilmember Ericson - aye  
Councilmember Reese Jensen - aye  
Councilmember Ruth Jensen - aye  
Councilmember Marabella - aye

#### **Amendment to Pole Attachment Agreement with Qwest**

Mr. Leonard came forward and explained that this amends the old agreement and raises the fee for pole attachments from \$2.50 per pole to \$15.00. They are attached to about 1,800 Brigham City poles.

MOTION: Councilmember Reese Jensen made a motion to approve the amendment to the pole attachment agreement with Qwest. The motion was seconded by Councilmember Ruth Jensen with the following vote:

Councilmember Christensen - aye  
Councilmember Ericson - aye  
Councilmember Reese Jensen - aye  
Councilmember Ruth Jensen - aye  
Councilmember Marabella - aye

### **UNFINISHED BUSINESS**

#### **Report on Flying J Truck Stop at Georgia Drive and Hospital Drive and Recommendation for Parking Along Georgia Drive**

Mr. Bradley approached the table and explained that a few weeks ago some citizens expressed concern in the area of the Flying J Truck Stop and the parking and safety conditions on Georgia Drive. Staff has done some on-site evaluations and coordinated with various departments and looked at some options. Due to the nature of the road and the curvature of the road and where the parking is, staff recommended red striping between Medical Drive on 800 West and that it be posted for no parking. They felt this would improve the safety conditions.

MOTION: Councilmember Christensen moved to approve the No Parking zone on Georgia Drive as recommended by staff. The motion was seconded by Councilmember Reese Jensen. Councilmember Ruth Jensen asked if there can be some warning for the first few days. Chief Tittensor said that would be appropriate for the first few weeks. The Mayor called for a vote on the motion.

Councilmember Christensen - aye  
Councilmember Ericson - aye  
Councilmember Reese Jensen - aye  
Councilmember Ruth Jensen - aye  
Councilmember Marabella - aye

#### **Recommendation from the DCSA Committee to Change the Eligible Time Period for a Demonstrated Cost Savings Award**

Mr. Leonard said he has met with Councilmembers Marabella and Ericson and discussed adding language to the existing policy to allow employees to receive this award more than once. The language they added allows the employees to receive the award within a 12-month period.

There was some confusion on the new language and whether it allows a payout every year for the same cost savings idea. It was suggested the wording be clarified to make it clear that there will be only one payout per cost savings idea.

MOTION: Councilmember Marabella made a motion to tentatively approve the amendment to the Demonstrated Cost Savings Award policy, with instructions for staff to clarify the intent of the language. The motion was seconded with all members voting aye.

### **PLANNING COMMISSION BUSINESS**

#### **Request to Amend KEB Subdivision, Lot 1, to Divide Lot into Two Lots Located at 75 South 1000 West**

Mr. Bradley explained that the applicant would like to divide his lot into two parcels. There are two drive approaches on the lot and he would like to build two buildings on the property. Planning Commission recommended approval of the request.

MOTION: Councilmember Reese Jensen made a motion to amend the KEB Subdivision, Lot 1, to Divide lot into two lots located at 75 South 1000 West, seconded by Councilmember Christensen.

Councilmember Christensen - aye  
Councilmember Ericson - aye  
Councilmember Reese Jensen - aye  
Councilmember Ruth Jensen - aye  
Councilmember Marabella - aye

#### **Request to Amend Title 25.01 "Subdivision, General Provisions" and Section 29.01-03, "Final Plat Required Before Lot May Be Sold"**

Mr. Bradley stated that this request is from the developers of Upland Square to allow a development agreement to identify an approved streamlined system for commercial developments that are at least 40 acres or greater for the site plan, the subdivision approval process and the recording process.

MOTION: Councilmember Reese Jensen made a motion to approve the amendment to Title 25.01 "Subdivision, General Provisions" and Section 29.01-03, "Final Plat Required Before Lot May Be Sold." The motion was seconded by Councilmember Marabella with the following vote:

Councilmember Christensen - aye  
Councilmember Ericson - aye  
Councilmember Reese Jensen - aye  
Councilmember Ruth Jensen - aye  
Councilmember Marabella - aye

#### **Request to Amend Title 29.01 "General Provisions" and Section 29.01.050, "Conflict"**

Mr. Bradley reported that staff conducted a survey of other cities regarding how they approach conflict. This is a combination of several communities and tailored to Brigham City's needs. They included state and federal regulations. The amendment also includes a paragraph on conflicts with private restrictions and another paragraph to allow other agreements to take place outside the City realm. It also includes a statement that the City does not enforce private covenants, but if a private covenant is more strict that will be recognized. Paragraph D addresses the applicant's concerns, but at the same time protecting the City. It states, *"To the extent there is an inconsistency between this title and a development agreement, the development agreement shall prevail. If the provisions of the development agreement are inconsistent with those of the state and federal government, the more restrictive provision shall prevail, to the extent permitted by law."* Mr. Bradley commented it is very important that the City feel comfortable with the development agreements. He continued reading from Paragraph D, *"A development agreement may be negotiated and executed between a developer and the City to set forth the specific requirements, elements and any other aspects of a development, including vesting of zoning and uses, aesthetic standards and requirements. The City Council has the sole authority to approve a development agreement. The Council may request a review and recommendation from the Planning Commission regarding the land use provisions of the development agreement. All development*

*agreements, upon proper execution, shall be recorded with the Box Elder County Recorder's Office, shall run with the land, and shall be binding on any subsequent owners, successors or assigns of the person entering into the agreement."*

MOTION: Councilmember Reese Jensen made a motion to approve the amendment to Title 29.01 "General Provisions" and Section 29.01.050, "Conflict," seconded by Councilmember Ericson. The motion carried unanimously with the following vote:

Councilmember Christensen - aye  
Councilmember Ericson - aye  
Councilmember Reese Jensen - aye  
Councilmember Ruth Jensen - aye  
Councilmember Marabella - aye

## **MAKING LIFE BETTER - DEPARTMENT REPORTS**

### Emergency Services

Mr. Buchanan reported that they have received a \$650,000 grant from Congressman Bishop's Office to seismic upgrade the Carnegie portion of the City Library. They will bring a contract for the architectural work and structural design to the December 4th Council meeting.

In addition, they are working with BRAG on a pre-mitigation plan. This is now required by FEMA. They are also working with BRAG on a workshop for all mayors and councils on pre-mitigation grants.

Brigham City will be receiving an AM Radio station, 1610, which can be used in an emergency. This was received through Homeland Security. This will allow the citizens to turn to this station in a disaster and receive emergency notification of what to do.

### Fire Department

Chief Art Peterson reported that the Fire Department has trained trainers that have been training throughout the County. There are 25 new Firefighter Ones in the County, seven of which are Brigham City firemen. They organized and put on the school. It takes approximately \$1,600 to certify a person. They estimate they are saving the City \$1,300 per fireman, plus putting money into their association. They currently have 14 firemen that have completed 100 hours of training this year. There are two firemen that have over 200 hours of training this year and two with over 300 hours of training.

Chief Peterson added that the Fire Department did a service project during the summer that was a great benefit to the recipients and was very successful.

Chief Peterson reported that he feels that the attitude in the Fire Department is the highest it has been in the 42 years he has been a member.

### Ambulance Department

Mr. Gregg Weight reported that the Ambulance Department members are getting Advanced Care Life Support (ACLS) certified. This entails a field diagnosis so they can relay that information to the doctors and with medical direction they are able to administer life supporting drugs. They are also able to use the bone injection gun (BIG) which allows them to take care of critically ill patients that they are not able to start IV on. This allows the EMTs to provide the patient with advanced care, advanced medication and advanced fluids. The EMTs have earned Dr. Bean's trust so he has authorized them to increase the medications they can administer to almost paramedic level.

### Continuation of Department Reports?

The Mayor asked the Council if they felt the department reports have been helpful and if they would like to continue this. Councilmember Marabella felt it has been more formal than intended, with staff putting together presentations. He felt bad that staff has to work all day long and then they are at the very end of the agenda. He expected just quick updates on what is going on with certain projects. Mayor Christensen said she put it at the bottom of the agenda because citizens are waiting and want to leave when their item is completed.



Councilmember Reese Jensen felt this has been very beneficial. Before this item was added to the agenda there were a lot of things going on that the Council were not aware of. He expressed appreciation for the work staff has gone to, but did not feel it was necessary to go to that extent, but it is up to them whether it is brief or lengthy. He felt it should continue. Councilmember Ruth Jensen agreed.

Councilmember Reese Jensen added that staff should understand that the Council is not expecting any formal presentation, just asking them to share information.

The Council agreed to continue the department reports.

## **OTHER BUSINESS**

### **Consider Cancellation of December 18, 2008 Council Meeting**

The Council considered cancelling the meeting due to the holidays. There was concern that the next meeting would not be until January 15, due to New Year's Day being on the first Thursday. The Council agreed to hold the December 18th Council meeting and cancel the January 1, 2009 meeting.

## **CLAIMS**

### **Payment Register**

Councilmember Ericson moved to approve General Claims dated October 29, 2008 for \$5,459,520.63; for November 1 in the amount of \$14,886.47; November 3, \$76,696.61; November 4, \$223,913.51; November 5, \$52,472.63; November 6, \$419,995.95 and Miscellaneous Claims for November in the amount of \$467,304.31. The motion was seconded and carried.

A motion to adjourn to a Redevelopment Agency was made by Councilmember Marabella. The motion was seconded and carried unanimously. The meeting adjourned at 9:05 p.m.

The Council returned to an open meeting at 9:35 and adjourned.